

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KARL AMMANN,

Plaintiff,

v.

STEVE THOMPSON, *et al.*,

Defendants.

No. C07-1401RSL

ORDER DENYING MOTION TO RECUSE
AND REFERRING MATTER TO THE
HONORABLE MARSHA J. PECHMAN
FOR REVIEW

On October 4, 2007, plaintiff Karl Ammann filed a letter requesting that the undersigned recuse himself from this proceeding because of “his long time [sic] personal and professional relationship with Steve Thompson, one of the defendants, dating back to when the former was a King County prosecutor and the latter was King County jail director.” Dkt. # 4.

Section 455 of title 28 of the United States Code governs the disqualification of a district judge. It states in relevant part: “Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” Additionally, 28 U.S.C. § 144, pertaining to judicial bias or prejudice, provides:

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists.

ORDER

1 A judge must recuse himself if a reasonable person would believe that he is unable to be
2 impartial. Yagman v. Republic Insurance, 987 F.2d 622, 626 (9th Cir. 1993). This is an
3 objective inquiry regarding whether there is an appearance of bias, not whether there is bias in
4 fact. Preston v. United States, 923 F.2d 731, 734 (9th Cir. 1992); United States v. Conforte, 624
5 F.2d 869, 881 (9th Cir. 1980); See also In Liteky v. United States, 510 U.S. 540 (1994)
6 (explaining the narrow bases for recusal).
7

8 The Court is aware of no bias against plaintiff or in favor of defendants. Although
9 the undersigned knows defendant Thompson, the relationship is purely professional and does not
10 give rise to a conflict of interest or cause prejudice. The mere fact that undersigned is
11 professionally familiar with certain individuals does not give rise to a reasonable question
12 regarding his impartiality in this case.
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15 For all of the foregoing reasons, plaintiff's motion to recuse is DENIED. This
16 matter is hereby referred to the Honorable Marsh J. Pechman for review pursuant to Local
17 General Rule 8(c).
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20 DATED this 9th day of October, 2007.
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23 

24 Robert S. Lasnik

25 Chief Judge, United States District Court
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